

**BROWN/SHIMKUS AMENDMENT****H.R. 2944****AMENDMENTS TO AMENDMENT IN THE NATURE****OF A SUBSTITUTE****OFFERED BY MR. BROWN OF OHIO**

Page 66, insert the following after line 16 and redesignate subsection (b) on line 17 as (c):

1       (b) SALE OR TRANSFER OF OWNERSHIP.—It is the  
2 sense of the Congress that momentous changes in public  
3 policy, such as this Act, could have disruptive effects on  
4 the current industry workforce. To mitigate these effects,  
5 Congress recommends the following for States' consideration:  
6

7           (1) Whenever there is a sale or other transfer  
8 of ownership of one or more divisions or business  
9 units, generating stations, or generating units of an  
10 electric utility company to another person or entity,  
11 in order to ensure the continued exceptional reliability of the electric systems, States and the Commission should consider requiring such person or entity to hire a sufficient number of nonsupervisory employees to operate and maintain the station, division, or unit by initially making offers of employment to the existing nonsupervisory employees of the  
17 divisions, stations, or units. The wage rates, fringe  
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1        benefits, and terms and conditions of employment  
2        should be equivalent to those that are in effect at  
3        the time of such sale or transfer. Such wage rates,  
4        fringe benefits, and terms and conditions of employ-  
5        ment shall continue for at least 30 months from the  
6        time of such sale or transfer unless the parties mu-  
7        tually agree to different terms and conditions of em-  
8        ployment within that 30-month period. If the acquir-  
9        ing person or entity has a need for fewer employees,  
10       those employees who are not offered jobs should be  
11       offered a transition plan by the original electric util-  
12       ity company. If there is litigation concerning the sale  
13       or other transfer of ownership of the electric utility  
14       company's divisions, business units, generating sta-  
15       tions, or generating units, the 30-month period shall  
16       begin on the date the acquiring entity or persons  
17       take control or management of the divisions, busi-  
18       ness units, generating stations, or generating units  
19       of the electric utility.

20        (2) If an electric utility company transfers own-  
21        ership of 1 or more divisions, business units, gener-  
22        ating stations, or generating units to a subsidiary  
23        company, the subsidiary shall continue to employ the  
24        utility's employees who were employed by the utility  
25        at such divisions, business units, generating stations,

1 or generating units at the time of the transfer under  
2 the same terms and conditions of employment as  
3 those employees enjoyed at the time of the transfer.  
4 If ownership of the subsidiary is subsequently sold  
5 or transferred to a third party, the transition provi-  
6 sions of paragraph (1) shall apply.

Page 57, line 15, strike the closing quotation marks.

Page 57, after line 15, insert the following:

7 (p) MODEL ELECTRIC UTILITY WORKER CODE.—  
8 The Congress finds that there is a critical necessity for  
9 trained and qualified personnel to operate all segments of  
10 the electric utility industry. The Secretary of Energy shall,  
11 jointly with the utility industry, along with recognized em-  
12 ployee representatives where applicable, develop model  
13 guidelines to support electric system reliability. These  
14 guidelines shall include information on employee training,  
15 competency, or certification, or any combination thereof,  
16 which can be developed using criteria set forth by the Na-  
17 tional Skills Standards Board, as well as examining and  
18 consolidating existing guidelines on construction and  
19 maintenance of electric utility transmission, and distribu-  
20 tion facilities such as those established by the National  
21 Electric Safety Code and other industry consensus stand-  
22 ards.

Page 10, beginning on line 15, strike “electric utility workers.” and insert the following: “electric utility workers, including continued health care coverage, early retirement, job re-education/retraining, out-placement services and related benefits, and severance. Before any reduction in the utility workforce as a consequence of the Electricity Competition and Reliability Act, the State commission may require an electric utility to present to its employees and employee representatives a workforce reduction plan outlining the means by which the electric utility intends to mitigate the impact of such workforce reduction on its workers.”.

Page 9, line 22, strike “(4)” and insert “(4)(A)”.

Page 10, lines 4 through 16, redesignate subparagraphs (A) through (F) as clauses (i) through (vi), respectively.

Page 10, line 17, strike “paragraph” and insert “subparagraph”.

Page 10, line 18, strike the ending quotations and the final period.

Page 10, after line 18, insert the following:

1       “(B) For purposes of subparagraph (A):

1           “(i) The term ‘continued health care coverage’  
2           means continued health care insurance coverage, at  
3           the benefit and contribution levels in effect during  
4           employment with the utility, for 18 months or until  
5           permanent replacement coverage is obtained through  
6           reemployment, whichever comes first.

7           “(ii) The term ‘early retirement’ means the  
8           early retirement benefit payments.

9           “(iii) The term ‘job reeducation/retraining’  
10          means the provision of full tuition for 2 years at any  
11          State college or State vocational or technical school,  
12          or other reasonable retraining service of equal value,  
13          at the discretion of the displaced worker.

14          “(iv) The term ‘out-placement services’ means  
15          the services provided to displaced workers that will  
16          identify available employment opportunities and nec-  
17          essary qualifications. Additional educational and  
18          training programs will be provided as necessary.

19          “(v) The term ‘severance’ means the severance  
20          pay, at a minimum, of 2 weeks of base pay for each  
21          year of full-time employment.”.